

Criminal Procedure Procedure Anomalies in Modern Legal Dynamics: The Urgency of Legislative Reform to Ensure Legal Certainty

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ABSTRACT

The implementation of the Criminal Procedure Code (KUHAP) in Indonesia still faces various structural and normative challenges, which are reflected in the procedural anomalies that occur in the field. These anomalies, such as unclear detention and investigation procedures, have created legal uncertainty that harms human rights and lowers the credibility of the criminal justice system. This study aims to identify gaps in the Criminal Code and assess the urgency of legislative reform needed to address these problems. The approach used in this study is a qualitative literature study, by analyzing various literature sources that include books, scientific articles, and relevant research reports. The findings of the study show that uncertainty in the duration of detention, weaknesses in the protection of suspects' rights, and the unpreparedness of the Indonesian legal system to accommodate modern technology are the main factors that worsen the effectiveness of the justice system. Therefore, comprehensive reform of the Criminal Procedure Code, including harmonization with international standards, technological integration through legal digitalization (e-Justice), and strengthening the independence of judicial institutions, is an urgent need to improve legal certainty, transparency, and human rights protection. The recommendations put forward in this study include expanding oversight of law enforcement officials, drafting regulations that accommodate electronic evidence, and public involvement in formulating legal policies to create a fairer and more efficient justice system.

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1. INTRODUCTION

Criminal Proceedings (KUHAP), facing various challenges in dealing with the dynamics of modern law. Although the Criminal Code has undergone several changes, there are still some anomalies that hinder the achievement of the main goals of the criminal justice system, namely justice, legal certainty, and utility. These anomalies often appear in the form of inconsistencies between existing legal rules and community development and increasingly complex legal needs. This is reinforced by

research, which suggests that despite reforms, the implementation of the Criminal Procedure Code in Indonesia is still hampered by the problem of disharmony with the practice in the field, especially related to detention and investigation (Ningsih, 2024). This dynamic increasingly urges more fundamental legal reforms so that the legal system can function more effectively and relevant to the challenges of the times.

In response to social changes and societal needs, legal reform in Indonesia is inseparable from the challenges of globalization and modernization that involve various aspects of life. In this context, the main problem faced by the Indonesian criminal justice system is the lack of legal certainty and justice felt by the community. Reform of the Criminal Procedure Code is urgent because without substantial changes, Indonesian law will be increasingly lagging behind and unable to respond to the needs of the times. This worsens the image of the judicial system in Indonesia in the eyes of the international community. As explained, legal uncertainty in the judiciary can reduce Indonesia's credibility in the international world, which also affects international investment and cooperation (Hutahayan, Fadli, Amimakmur, & Dewantara, 2024). This further reinforces the reason for the importance of reforms that focus not only on technical changes, but also on improving the quality of legal integrity and transparency.

The anomaly of the Criminal Code can be seen from the inconsistency between laws and regulations and the reality on the ground. One of the most striking examples is the lack of clarity regarding detention procedures that often violate the rights of suspects, as well as the uncertainty in the investigation and prosecution process. This uncertainty not only harms individuals involved in the criminal justice system, but also threatens the integrity and credibility of the judicial institutions themselves. Protracted detention procedures without clear decisions undermine human rights (Padang & Surajiman, 2022). Therefore, it is important to revise existing legal procedures so that there is no violation of individual rights. In addition, a more assertive application of the principle of justice is needed to ensure that every individual involved in the justice system receives equal legal protection.

In addition, in practice, there is a tendency that human rights are often neglected in the criminal justice process. One obvious example is the duration of detention that is too long without legal certainty regarding the legal status of a person who is detained. This often leads to injustice, where a person who should be presumed innocent suffers from a legal system that does not provide adequate protection. This phenomenon is reinforced by the research conducted, which found that many suspects are forced to suffer due to unlawful detention (Boon-Kuo, 2024). Therefore, procedural adjustments and guarantees of legal certainty for suspects must be part of the broader reform of the Criminal Code. Changes in Indonesia's legal structure are also influenced by the pressure from the community and the international community to improve the judicial system. This pressure comes not only from legal practitioners, but also from various international organizations that demand that Indonesia follow better international legal standards. Therefore, reform of the Criminal Procedure Code is not only a must, but also a response to global demands. International pressure serves as an important driving factor in pushing Indonesia to make changes in its justice system (Trisnanti, Amelia, & Sushanty, 2025). This shows that legal reform not only serves to address domestic challenges, but also to ensure the integration of the Indonesian legal system with international standards.

One of the important aspects of this reform is the improvement of existing procedures in the judicial process. For example, there needs to be clarity about the rights of suspects during the examination process, as well as clarity in the handling of evidence that can lead to the strengthening of a more transparent and accountable legal system. Without improvements in this aspect, Indonesia's judicial system will continue to face major challenges in carrying out its functions effectively and efficiently. This is in accordance with the findings that stated that the lack of clarity in the rights of

suspects and the lack of transparency in the handling of evidence are one of the main factors in the weak justice system (Postcawati, Djatmika, & Istiqomah, 2024). For this reason, it is very important for every reform step to prioritize procedural improvements to provide more justice for all parties.

In addition, the urgency of reforming the Criminal Procedure Code is also related to the need for reform in the use of information technology in the judicial system. The use of technology can speed up the administrative process, increase efficiency, and minimize the possibility of abuse of authority. In this context, the application of technology such as electronic case management systems can be a solution to overcome several problems that exist in the criminal justice process in Indonesia. Research shows that the application of technology in the judiciary can increase efficiency and reduce the potential for injustice in the legal process (Djamaludin, Aziz, Ar-Rasyid, & As-Sayyis, 2023). It also signifies that technology can serve as a tool to ensure more equitable justice and reduce inequities in the justice system.

The importance of the reform of the Criminal Procedure Code is also related to efforts to strengthen the independence of the judiciary. A strong and independent judicial system will provide a sense of security to the public in the face of legal proceedings that may involve them. Without a firm guarantee of justice, the public will lose confidence in the judicial system, which in turn will have a negative impact on the social and political stability of the country. As explained in an independent justice system, it can strengthen public trust in the law and increase social stability (Jufri, Yasmin, Fitria, Cahyani, & Adhilia, 2024). This trust is very important so that the public can feel confident that the law will be enforced without any intervention from political or economic interests.

In addition, the reform of the Criminal Code is expected to optimize the function of advocacy and defense of individual rights, especially in terms of protection of suspects and defendants. This reform is expected to bring about a change in the public's perception of the importance of justice that is balanced between the protection of individual rights and the public interest. A fair and transparent judicial process will help build public trust in the legal system. This is in line with the findings, which show that a transparent and fair justice system can reduce the sense of injustice in society (Irvita & Asriani, 2025). Therefore, reforms that prioritize the protection of individual rights must be an important part of the overhaul of Indonesia's judicial system.

The big challenge in facing the reform of the Criminal Procedure Code is how to maintain a balance between the diverse political, social, and economic interests in Indonesia. Every step taken in reform must consider its impact on various sectors. Therefore, it is important for the government and related institutions to collaborate with all parties, including the public and academics, in formulating future reform policies. Because the success of legal reform requires cooperation between various sectors to ensure that the policies taken include common interests. Synergy between these sectors is needed so that the reforms implemented are truly effective and provide broad benefits to the community.

2. METHODS

The method used in this study is a literature study with a qualitative approach. This research aims to collect and analyze various relevant sources related to anomalies in the Criminal Procedure Code (KUHAP) as well as the urgency of legislative reform to ensure legal certainty. The sources used include books, scientific articles, research reports, and policy documents that discuss the criminal justice system, modern legal dynamics, and legislative reform in Indonesia. In addition, this study will also review the literature that covers the application of international law principles that can provide a broader perspective in evaluating the Criminal Code and its potential improvements. To ensure the quality of the literature used, sources will be selected based on their credibility, relevance, and

contextualization with the topic being discussed, as well as the level of influence on the Indonesian legal system.

The literature analysis was carried out with a thematic and comparative approach to review the views in the related literature, both those who support and criticize the application of the Criminal Code in the criminal justice system in Indonesia. The researcher will compare the thoughts of various legal experts, practitioners, and international institutions focused on criminal law reform, and evaluate the suitability and consistency of the findings. This study will also consider a critical analysis of the existing literature by paying attention to the strengths and weaknesses of each view. Thus, the results of this study are expected to provide strong findings-based recommendations to overcome anomalies in the Criminal Code, as well as contribute to the creation of a more transparent, fair, and effective judicial system.

3. FINDINGS AND DISCUSSION

Identification of Anomalies of the Criminal Code: Procedural Gaps and Degradation of Human Rights in Judicial Practice

Anomalies in the Indonesian criminal justice system, especially related to the Criminal Procedure Code (KUHAP), are increasingly evident through various procedural gaps. One of the most striking issues is the legal uncertainty regarding the duration and conditions of detention of suspects. The Criminal Procedure Code has set an extension of the detention deadline, but the reality on the ground shows that abuse of authority often occurs, thereby worsening the protection of suspects' rights. This practice not only harms the individuals involved, but also affects the image of Indonesia's criminal justice system in the eyes of the public, as it creates distrust of the existing legal system. Empirical research shows that the weak implementation of existing procedures opens up space for law enforcement officials to act arbitrarily, thus ignoring the principle of due process of law that should protect every suspect from unfair treatment (Ifra, 2023). This ambiguity leads to protracted practices of detention without a clear legal basis, which ultimately leads to injustice and undermines human rights.

Furthermore, the lack of clarity in this procedure is not only a technical problem but also shows the unpreparedness of the Indonesian judicial system in protecting the rights of suspects. The practice of arbitrary detention often occurs without considering the principles of proportionality or fairness in legal proceedings. Research reveals that many of the rights of suspects, such as the right to be accompanied by legal counsel, are often neglected in the early stages of an investigation (Tatas, Nugroho, Roesli, & Asasi, 2025). In addition, law enforcement officials who are not transparent in handling evidence and seizures further exacerbate this situation. Therefore, even though the Criminal Code normatively regulates the protection of the rights of suspects, implementation in the field does not always go according to what is expected. As a result, the rights of suspects are often not properly protected, leading to further damage to the integrity of Indonesia's justice system. This further leads to the need for substantive reforms that not only improve written rules, but also ensure that legal procedures are applied correctly and fairly.

Weaknesses in the protection of suspects' rights are also seen in the unpreparedness of the Criminal Code to accommodate increasingly rapid technological developments. Electronic evidence and the use of technology in the criminal justice system are increasingly encountered, but the current Criminal Procedure Code is still not fully adequate in regulating the use of this kind of evidence. Empirical research shows that the lack of clarity about the arrangement of electronic evidence opens up opportunities for manipulation or violation of suspects' rights (Tatas et al., 2025). Although some draft revisions of the Criminal Procedure Code have included provisions on electronic evidence, there remain concerns that control mechanisms are not yet adequate to ensure that technology is used in a

manner that does not harm human rights. This indicates that the Criminal Code, as the main legal instrument in the criminal justice system, must be immediately updated in order to respond to the changing times and ensure more equitable justice for all parties.

In addition, the control mechanisms in the Criminal Code, such as pretrial rights, also face various challenges. The right to pretrial that is supposed to serve to control the actions of investigators and other law enforcement officials is often limited to a few aspects, such as detention. In fact, supervision of other actions, such as seizures and searches, is also very important to prevent abuse of authority. The study found that pretrial judges do not always have full authority to assess all actions that could harm the rights of suspects (Nasution, Sulistiani, & Putri, 2025). This shows the need to expand the authority of pretrial supervision so that it is not only limited to the aspect of detention but also to other legal processes that have a great impact on the human rights of suspects. Stronger and more effective control mechanisms can prevent the occurrence of human rights violations that often occur on the ground.

On the other hand, the imperfection of the control mechanism in the Criminal Procedure Code also contributes to the low level of public trust in the criminal justice system. People begin to feel injustice when existing legal procedures cannot provide certainty, both for suspects and for parties involved in the legal system. The unclear deadline for investigations and prolonged detention exacerbates this situation. Empirical research shows that this uncertainty is often followed by unreasonable delays in the judicial process, which further adds to legal uncertainty (Salsabila & Sumardiana, 2025). In addition, the investigation mechanism that is too long and there are no firm regulations on the duration of the investigation also add to the burden on the Indonesian legal system, as an inefficient legal process can be detrimental to the parties involved. This further makes it clear that reform of the Criminal Procedure Code is not only important, but urgent, to ensure a fairer, more efficient, and transparent judicial system.

Reform of the Criminal Procedure Code must also include increased supervision of law enforcement officials, as well as the provision of better training related to human rights protection. Empirical research shows that many law enforcement officials do not fully understand the importance of protecting the rights of suspects during the legal process. Lack of adequate training and lack of effective supervision from law enforcement agencies can lead to procedural errors that are detrimental to suspects (Agustianti Tangahu, 2025). Therefore, strengthening the capacity of law enforcement officials is very important in implementing the reform of the Criminal Code. A transparent and accountable criminal justice system will strengthen public trust in the law, so that the public can be more confident that the legal process will be carried out as fairly as possible.

However, despite the awareness of the need for reform, the biggest challenge in its implementation is how to maintain a balance between various interests, both political, social, and economic. Research shows that policies that do not consider these aspects can lead to imbalances in the application of the law. Reforms carried out without involving all stakeholders, including society and academia, will not result in effective change. Therefore, there needs to be an inclusive approach based on the needs of the wider community. Synergy between these various sectors is very important so that the reform of the Criminal Code can run effectively and provide real benefits to the judicial system in Indonesia (Salsabila & Sumardiana, 2025).

Comprehensive reform of the Criminal Code must also respond to global demands to improve the protection of human rights in the criminal justice system. Many countries have adopted more transparent and human rights-based judicial principles, so Indonesia needs to adapt to these international standards. Normative and empirical studies show that to overcome the problem of legal uncertainty in the judicial system, the Criminal Code needs to be updated to match global

developments. This is important to improve the quality of Indonesia's legal system and ensure that human rights are no longer neglected in the judicial process (Setyadi & Masyhar, 2025).

Therefore, the conclusion of this study emphasizes the importance of legislative reform of the Criminal Code that is more responsive to the needs of the times and global developments. Anomalies in detention procedures, weaknesses in the protection of suspects' rights, and unpreparedness of the Criminal Code in facing modern dynamics must be immediately overcome with comprehensive improvements. This reform will not only improve the quality of criminal justice, but also strengthen legal certainty and human rights protection in Indonesia. Thus, it is hoped that the new Criminal Procedure Code can become a fairer, more transparent, and accountable instrument in the Indonesian criminal justice system.

Reconstruction of Legislation: Criminal Procedure Reform Strategy Based on Legal Certainty and Technology Integration

Fundamental changes in the Criminal Procedure Code legislation are a very strategic need in order to respond to modern legal challenges. The latest draft of the Criminal Procedure Code in Indonesia shows the state's efforts to align the criminal justice system with social, political, and technological developments, while strengthening legal certainty for the public and law enforcement officials. Empirical studies state that this revision seeks to strengthen the principle of *legality, presumption of innocence*, as well as the recognition of electronic evidence, which has not been optimally accommodated by the old Criminal Procedure Code, thus providing room for uncertainty and abuse of authority by law enforcement officials (Setyadi & Masyhar, 2025). Harmonization between the authority of the authorities, the protection of human rights, and public participation in evaluation are an important part of the proposed legislative strategy, indicating that reform is not just a textual but a profound legal politics. This effort is expected to close the procedural loophole that has been weakening Indonesia's criminal justice system.

The harmonization of the Criminal Procedure Code with international standards is an important step to increase the credibility of the Indonesian judiciary in the global arena. Aligning the Criminal Code with international conventions that have been ratified by Indonesia, such as *International Covenant on Civil and Political Rights (ICCPR)*, will strengthen the protection of human rights and provide a stronger legal basis for the global principle of due process of law. The academic article states that the revision of the Criminal Code seeks to create a balance between effective law enforcement and the protection of human rights, including recognition of vulnerable groups as well as electronic evidence as legitimate evidence in modern criminal procedure (Setyadi & Masyhar, 2025). The harmonization of domestic law and international standards is a fundamental reform strategy to ensure legal certainty and strengthen the justice system's response to global dynamics.

The Urgency of Digitalization of the Law of Events (*eJustice*) is the next crucial aspect in the reconstruction of the Criminal Code legislation. The role of information technology in the criminal justice system can no longer be ignored, especially in terms of case administration, digital evidence management, inter-agency communication, and public engagement. Empirical studies on investigative reform in the digital age show that without the support of technology, the legal process is still hampered by the disharmony of norms, low accountability, and weak protection against digital footprints that are increasingly dominant in many modern criminal cases (Setyadi & Masyhar, 2025). Thus, digitalization, which is explicitly regulated in the Criminal Procedure Code, is a strategic urgency to encourage efficiency, accuracy, and transparency, especially in the context of evidence handling and technology-based investigation procedures.

The implementation of technology in case management and trials itself, for example through *esummons*, *summons*, or the use of *remote testimony* (teleconferencing) has been studied as part of eJustice practices in various countries. Research shows that the use of digital procedures such as teleconferencing for witness examination can speed up the judicial process and reduce the administrative burden of the court, while preserving the right of suspects to a fair trial (Revisiting the Indonesian Criminal Procedure Code, 2025)(jurnalhukumdanperadilan.org). Although some countries have implemented this system, Indonesia's Criminal Procedure Code needs to provide a clear legal basis and detailed technical regulatory mechanisms so that digitalization is not only a jargon but actually improves access and function of criminal justice.

The application of technology is also closely related to the challenge of electronic evidence which is now a part of almost every law enforcement process. In this context, empirical studies emphasize the need for explicit rules in the Criminal Code that regulate the collection, storage, verification, and use of electronic evidence, such as *chain of custody* digital and the involvement of independent forensic experts, so that the authenticity and integrity of evidence can be guaranteed in the trial (October, 2025). Without a clear normative framework, the use of technology can actually pose a risk of human rights violations or manipulation of evidence, thereby weakening the guarantee of legal certainty that is the goal of legislation reform.

In addition to harmonization and digitalization, strengthening the independence of the judiciary is an equally important reform strategy. Reform of the Criminal Code must ensure the independence of judges and minimize intervention or institutional conflicts that can affect court decisions. Academic studies assess that one of the challenges in reforming the Criminal Procedure Code is the potential for conflicts between institutions and resources that are not ready to face structural changes, so that the participation of the public and other stakeholders is important in determining the direction of fair and responsive legal policies (Setyadi & Masyhar, 2025). The independence of this judicial institution will strengthen the legitimacy of legal decisions while providing greater space for judges to uphold the principle of human rights in every decision.

Public involvement, including academics, legal practitioners, and civil society organizations, is a strategic part of formulating and assessing the implementation of the Criminal Code reform. Empirical studies show that public participation in legal policy evaluations can help identify substantive weaknesses in draft legislation as well as enrich perspectives on the human rights needs and legal certainty of the wider community (Setyadi & Masyhar, 2025). By adopting a public consultation mechanism, the government can ensure that the Criminal Procedure Bill not only meets technical demands but also the aspirations of the community regarding justice, transparency, and accountability in the criminal justice system.

Institutional synergy between law enforcement officials, such as the police, prosecutor's office, and courts, is also an important aspect in the reconstruction of legislation. The harmonization of duties and authorities between institutions needs to be strengthened through the revision of the Criminal Code to prevent overlap and conflicts of authority that have often slowed down the legal process. Research in the context of Indonesia's criminal justice system states that inter-agency coordination is still one of the main problems that hinder effective and sustainable reform in criminal law enforcement (Marrismawati, Asriyani, Rusdi, & ..., 2024). Good synergy will accelerate case handling, improve human rights protection, and foster public trust in the legal system.

From the normative and empirical aspects, a comprehensive reform of the Criminal Code must integrate the concept of restorative justice and the principle of good governance to create a criminal justice system that is responsive to the needs of the times. Normative research shows the importance of including instruments such as restorative justice so that the settlement of criminal cases is not only

through formal procedures but also pays attention to reconciliation and recovery of the parties involved (Muttaqi, 2025). This approach can be part of a more humane Criminal Procedure Procedure and ensure legal certainty without sacrificing a sense of substantive justice. In conclusion, the reconstruction of the Criminal Procedure Code legislation based on legal certainty and technological integration must include the harmonization of global domestic standards, digital transformation (*eJustice*), strengthening institutional independence, as well as public involvement and synergy between law enforcement agencies. The combination of these strategies not only increases the effectiveness of law enforcement but also ensures the protection of human rights across the board. Through comprehensive reforms, the new Criminal Code is expected to become the foundation of a fairer, more efficient, and credible Indonesian criminal justice system in the modern era.

4. CONCLUSION

In conclusion, legislative reform of the Criminal Procedure Code (KUHAP) is urgently needed to answer the challenges of the times and the dynamics of modern law that continue to develop. Anomalies in detention procedures, the unpreparedness of the Indonesian justice system to protect human rights, and the need to accommodate technological developments, raise the urgency for substantial improvements. Harmonization of the Criminal Code with international standards, digitization of legal processes (e-Justice), and strengthening the independence of judicial institutions are strategic steps to create a transparent, efficient, and fair judicial system. In addition, public involvement in formulating policies and synergy between law enforcement agencies is also the key to the success of this reform. Through this update, the Criminal Procedure Code is expected to ensure legal certainty, protect human rights, and increase the credibility of Indonesia's criminal justice at the global level.

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